

Submitted: November 17, 2016
Approved: November 17, 2016

**MINUTES OF THE ROCKVILLE
HISTORIC DISTRICT COMMISSION
MEETING NO. 10-2016
Thursday, October 20, 2016**

The City of Rockville Historic District Commission convened
in the Mayor and Council Chambers on
October 20, 2016 at 7:00 p.m.

PRESENT

Rob Achtmeyer, Chair
Emily Correll
Matthew Goguen
Anita Neal Powell
Stefanie Tincer

Present: Sheila Bashiri, Preservation Planner
Jim Wasilak, Chief of Zoning
Cynthia Walters, Deputy City Attorney

I. EXECUTIVE SESSION (Black Eyed Susan Conference Room)

A. Executive Session Meeting Summary

Upon motion by Commissioner Neal Powell, seconded by Commissioner Tincer and unanimously passed, the Historic District Commission convened in Executive Session at 7:12 p.m. pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to obtain legal advice regarding ex parte communications.

Present at the Executive Session were: Rob Achtmeyer, Chair; Emily Correll, Matthew Goguen, Anita Neal Powell and Stefanie Tincer, Commission members; Cynthia Walters, Deputy City Attorney; Jim Wasilak, Chief of Zoning; Sheila Bashiri, Preservation Planner

The topic of discussion was the legal advice regarding ex parte communications. No actions were taken during this Executive Session.

The Executive Session was adjourned at 7:22 p.m.

II. AGENDA REVIEW WORKSESSION (Black Eyed Susan Conference Room)

Chair Achtmeyer announced that the Agenda Review Worksession was held, and that no decisions were made.

III. COMMITTEE / ORGANIZATION REPORTS

- A. Peerless Rockville – Nancy Pickard, Executive Director, noted recent programs sponsored, a program regarding William Gibbs.
- B. Lincoln Park Historical Foundation – There was no report.
- C. Public Comments/Open Forum – No members of the public spoke.
- D. HDC and Staff Comments – New member Matthew Goguen introduced himself.

IV. CONSENT AGENDA

A. APPROVAL OF MINUTES: September 15, 2016

Commissioner Correll moved, seconded by Commissioner Neal Powell, to approve the minutes. The motion passed 4-0-1, with Commissioner Goguen abstaining.

V. CERTIFICATES OF APPROVAL

- A. HDC2016-00816, James Proakis, JNP Chestnut Lodge, LLC** – for a Courtesy Review and recommendation on construction of six new townhouses on the Chestnut Lodge property in the West Montgomery Avenue Historic District.

Sheila Bashiri presented the staff report, noting that this is the third courtesy review for the property. She outlined the proposed changes from the design that was reviewed at the last courtesy review. She explained that, because the City is a Certified Local Government, the Secretary of the Interior's Standards must be followed.

She presented her recommendations for compliance each of the Secretary of the Interior's Standards for Rehabilitation, the Maryland Land Use Article, the Zoning Ordinance, the Chestnut Lodge Design Guidelines and the adopted Technical Guide, finding that the proposal complied with each. She also explained why the Secretary of the Interior's Standards for Reconstruction is not appropriate for application in this case.

Soo Lee-Cho, attorney with Miller, Miller & Canby for the applicant, spoke in support of the application and answered questions from the Commission.

Kate Karanda, architectural historian with Goodwin Associates for the applicant, answered questions from the HDC on the significance of the property after the Main Lodge building has been destroyed. She also addressed the Commission, stating that she concurred with the staff recommendation.

Randy Creaser, architect of the project, presented the aspects of the revised design.

Nancy Pickard of Peerless Rockville spoke in favor of employing the Standards for Rehabilitation for Reconstruction and read a prepared statement opposing the staff recommendations.

Paul Newman of Henson Oaks Lane raised concerns about the design of the structure, and indicated that information and images were available to allow for a reconstruction of the Main Lodge. Chair Achtmeyer encouraged all to share information if they have it.

Ms. Bashiri summarized the letter she received from the Maryland Historical Trust in response to her inquiry. She stated that MHT noted that the standards for rehabilitation or reconstruction may apply, provided that the standards may be met. MHT was unaware of a private property owner that has been required to reconstruct a lost building by a local jurisdiction.

Chair Achtmeyer asked for clarification from staff on the request from the Mayor and Council. Jim Wasilak responded that they wanted HDC to conduct a courtesy review, and to provide a recommendation on how the proposal meets Federal, State and City requirements and standards for historic preservation. He stated that the HDC could provide direction to staff on drafting a document that ideally would be available for the Planning Commission at its November 9 meeting.

The Commission conducted its courtesy review. Commissioner Tincher noted that she felt that a new structure was appropriate in this location. However, she stated that the scale and details of the proposed building were not appropriate and that the building would change the relationship to the surrounding buildings as a result. The building should create more of a central presence with a singular overall mass. She also expressed some concern about the garages and decks on the west façade, which deviates from the former building.

Chair Achtmeyer stated that he has given comments twice and had no further comments.

The Commission discussed how to proceed with the review of the standards. Cynthia Walters noted that the recommendation is from the body. Ms. Bashiri suggested using the staff report as an outline to go through the standards.

Secretary of the Interior Standards:

The Commission agreed that the Secretary of the Interior's Standards for Rehabilitation apply in this case, and continued its review of the applicable standards. The Commission took straw votes on each standard, basing its decision on the staff recommendation.

#1- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships. *The Commission agreed that this standard has been met by a vote of 3-2, with Commissioners Neal Powell and Tincher opposed.*

#2- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided. *The Commission agreed that this standard has been met by a vote of 5-0.*

#3- Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken. *The Commission agreed that this standard has been met, by a vote of 4-1, with Commissioner Tincher opposed.*

#9 - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment. *The Commission agreed that this standard has been met, by a vote of 3-2, with Commissioners Achtmeyer and Tincher opposed.*

Although suggested by Ms. Bashiri, the Commission decided not to consider Standard #10 as not being applicable.

Maryland Land Use Article

Section 8-304 of the Maryland Land Use Article, provides four criteria to determine if the proposal is appropriate. The four criteria that were taken into consideration are:

1. The historic, archaeological, or architectural significance of the site or structure and its relationship to the historic, archaeological, or architectural significance of the area, and whether the site or structure is contributing or non-contributing.
2. The relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area.
3. The general compatibility of exterior design, scale, proportion, arrangement, texture and materials.
4. Any other factor including aesthetic factors that the commission deems pertinent.

The Commission agreed that these standards have been met by a vote of 5-0.

Technical Guides for Exterior Alterations

Technical Guide #5, New Construction states: "New construction should reflect the 21st century while respecting size, scale, massing and materials found within the district, rather than competing with the historic structures. In such a way, complementary new construction becomes part of the fabric of the district, marking changes in the City over time." *The Commission agreed that this standard has been met by a vote of 5-0.*

The Commission agreed to provide email comment directly to Ms. Bashiri for feedback on the document. The Commission further agreed to provide the recommendation directly to the Mayor and Council for their December meeting, to be voted at the November meeting.

VI. DISCUSSION

A. Old Business

1. Discussion of Draft Historic Preservation Text Amendment – Jim Wasilak noted that there would not be a presentation on the text amendment.

B. New Business

VII. ADJOURN

There being no further business to come before the Commission, Chair Achtmeyer adjourned the meeting at 11:46 p.m.